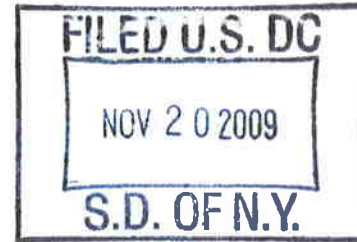


S:\FILES\5089_OCE-NAVL+K&N\APPEAL\5089_NOTICE OF APPEAL TO A COURT OF APPEALS FROM A JUDGMENT OR ORDER OF A.DOC

KENNEDY LILLIS SCHMIDT & ENGLISH
Charles E. Schmidt
Nathan T. Williams
75 Maiden Lane - Suite 402
New York, N.Y. 10038-4816
Telephone: 212-430-0800
Telecopier: 212-430-0810
Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN HOME ASSURANCE COMPANY,
a/s/o OCE PRINTING SYSTEMS GMBH,

Plaintiff,

- v. -

KUEHNE & NAGEL (AG & CO.) KG,

Defendant.

06 Civ. 6389 (DFE)

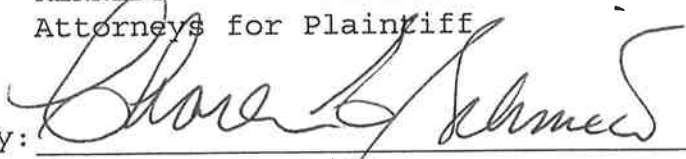
NOTICE OF APPEAL
IN A CIVIL CASE

Notice is hereby given that the plaintiff, American Home Insurance Company, a/s/o OCE Printing Systems GmbH in the above named case, hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment in favor of Defendant Kuehne & Nagel (AG & CO.) KG, dismissing the complaint herein, together with costs and disbursements, entered in this action on the 22nd day of October, 2009.

Dated: New York, New York
November 19, 2009

KENNEDY LILLIS SCHMIDT & ENGLISH
Attorneys for Plaintiff

By:

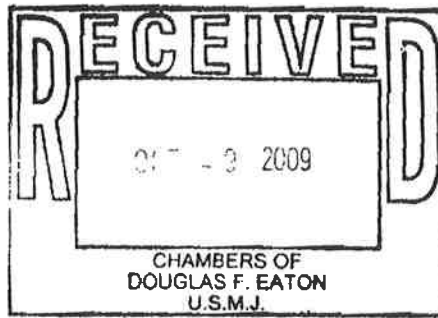

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EATON, mag

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AMERICAN HOME INSURANCE
COMPANY, A/S/O OCE PRINTING
SYSTEMS GMBH

ECF Case

06 CV 6389 ~~744~~ (DFE)

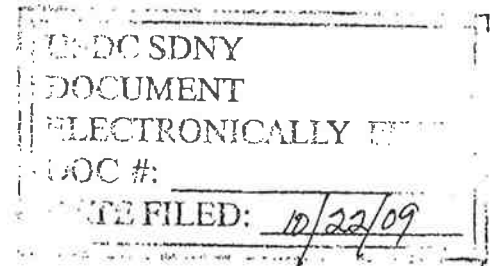
ORDER AND JUDGMENT

Plaintiff,

-against-

KUEHNE & NAGEL (AG & CO.) KG

Defendant.
-----X



Upon reading and filing the OPINION AND ORDER dated September 29, 2009, judgment is hereby granted to the Defendant pursuant to its motion to dismiss the complaint herein, together with costs and disbursements, and Plaintiff's cross motion for summary judgment in favor of Plaintiff is hereby denied.

SO ORDERED,

October 22, 2009

Douglas F. Eaton

Douglas F. Eaton
United States Magistrate Judge

USDC SDNY
DATE SCANNED 10/22/09 *MA*

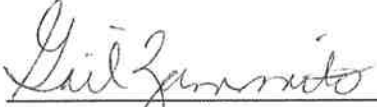
CERTIFICATION OF SERVICE

I, Gail Zammito, hereby certify that I have served the foregoing NOTICE OF APPEAL IN A CIVIL CASE by Regular U.S. Mail, a true copy thereof, to:

LAW OFFICES OF ERNEST H. GELMAN
Attorneys for Defendant
350 Fifth Avenue, Suite 4908
New York, New York 10118
Attn: Ernest H. Gelman, Esq.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on November 19, 2009.



Gail Zammito